

REMARKS

In the subject Office Action the corrected or substitute drawings received with Applicants' Reply of August 7, 2003 have been accepted. Applicants now submit new formal drawings herewith that include the changes of the accepted drawings.

In addition, claims 1-21 stand rejected under 35 U.S.C. 103(a) as unpatentable over Kolar et al. US Patent No. 6,250,601 in view of Okamoto et al. US Patent No. 6,522,078, Yamasaki US Patent No. 6,075,454 and Pope US Patent No. 5,963,624. Without discussing the merits of Examiner's rejections, Applicants submitted inventor Declarations under 37 CFR 1.131 along with Exhibits A and B with the Reply of August 7, 2003. The Examiner stated that Declaration is ineffective to overcome the Okamoto reference because of insufficient proof of actual reduction to practice prior to the effective date of the Okamoto reference. Applicants respectfully traverse this decision.

Applicants enclose Supplemental Declaration under 37 CFR 1.131. According to the Supplemental Declaration a prototype of the invention was installed in an employees' washroom at Sloan Valve Company. This prototype was used on a daily basis by employees of Sloan Valve Company and reports were made verbally to Jerome Gauthier and/or Nhon Vuong. In addition, the inventors personally tested the prototype every working day for months. The tests indicated that the prototype functioned properly for its intended purpose. The construction, installation and testing of the prototype occurred prior to August 25, 2000.

Further evidence that a functioning prototype was constructed prior to August 25, 2000 is provided by Exhibits C-F. Exhibit C is a schematic drawing of the prototype. Exhibit D is a quotation for component parts used to construct the prototype. Exhibit E is

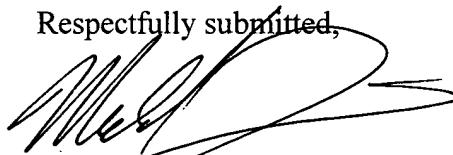
a purchase order request for component parts used to construct the prototype. Lastly, Exhibit F is an invoice for components parts used to construct the prototype. All the dates redacted from these exhibits are prior to August 25, 2000. Any other information redacted from these exhibits is confidential supplier, vendor and/or pricing information.

Applicants submit that the present Supplemental Declaration and Exhibits along with the Declaration and Exhibits filed on August 7, 2003 provide adequate proof that the invention as claimed was actually reduced to practice prior to August 25, 2000.

Since the invention as disclosed and claimed in the above-identified application was actually reduced to practice before the filing of Okamoto et al., the Okamoto reference cannot be considered prior art. Without the Okamoto reference, the present rejections of the claims cannot stand. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of all the claims.

Enclosed is a check for \$880.00 to cover the fee for filing an RCE and a one-month extension of time. It is believed that no additional fees are due with this reply. However, if such a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Respectfully submitted,



Michael D. Zaronias
Registration No. 54,564

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606

Serial No. 09/704,244

312.236.8500

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